

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SCOTT SWAIN, *et al.*

Plaintiffs,

v.

WILMINGTON TRUST, N.A. as successor to
Wilmington Trust Retirement and Institutional
Services Company,

Defendant.

No. 1:17-cv-00071-RGA

**DEFENDANT WILMINGTON TRUST N.A.'S MOTION TO DISMISS FOR LACK OF
SUBJECT MATTER JURISDICTION AND FOR FAILURE TO STATE A CLAIM**

For the reasons set forth in the accompanying opening brief in support, Defendant
Wilmington Trust, N.A., by and through its undersigned counsel, hereby moves pursuant to
Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure for an order dismissing this action
with prejudice.

Dated: April 3, 2017

Respectfully submitted by:

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ORDER

And now, on this ____ day of ____, 2017, upon consideration of Defendant Wilmington Trust, N.A.'s Motion to Dismiss and Opening Brief in Support, and any response thereto, it is hereby

ORDERED that the Motion is GRANTED and the Complaint in this action is dismissed with prejudice.

Judge Richard G. Andrews
United States District Court Judge